

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the flowing discussion is respectfully requested.

Claims 1, 3-5 and 30-34 are pending in the application. Claims 1 and 4 are amended; and Claim 11 is canceled by the present amendment. Support for amended Claims 1 and 4 can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the outstanding Official Action, Claims 1, 3-5 and 30-34 were rejected under non-statutory double patenting over Claims 1-7 of co-pending Application No. 09/811,516; Claims 1, 3-5 and 30-34 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter; Claims 1, 3 and 11 were rejected under 35 U.S.C. §103(a) as unpatentable over Sachs et al. (U.S. Patent No. 6,331,865, hereinafter, “Sachs”) in view of Marko et al. (U.S. Patent No. 6,686,880, hereinafter “Marko”); Claims 4-5 and 30 were rejected under 35 U.S.C. §103(a) as unpatentable over Sachs in view of Stefick et al. (U.S. Patent No. 5,634,012, hereinafter “Stefick”); and Claims 31-34 were rejected under 35 U.S.C. §103(a) as unpatentable over Sachs in view of Stefick and in further view of Umbreit et al. (U.S. Patent No. 6,704,787, hereinafter “Umbreit”).

In response to the rejection of Claims 1, 3-5 and 30-34, Applicant respectfully requests that this rejection be held in abeyance until the substantive prior art issues of the case are resolved.

Claims 1, 3-5 and 30-34 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter, because the Official Action asserts that “there is no hardware embodiment in the claim language and the invention may be embodied in software only”. However, Applicant wishes to note that the pending claims are drafted in “means for” language eliciting 35 U.S.C. § 112, sixth paragraph, for the interpretation of these claim

¹ e.g., specification, Figs. 9-11 and 21.

elements. As such, “the claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof”, and as depicted in Fig. 1, these elements are implemented using the hardware (e.g. “apparatus”, “server”, “receiver”, etc.) *and* software components described in the specification. Thus, the present claims are clearly directed to statutory subject matter.

Accordingly, Applicant respectfully requests that the rejection of Claims 1, 3-5 and 30-34 under 35 U.S.C. § 101 be withdrawn.

The Official Action has rejected Claims 1, 3 and 11 under 35 U.S.C. § 103(a) as anticipated by Sachs in view of Marko. The Official Action cites Sachs as disclosing the Applicant’s invention with the exception of acquiring and storing broadcast information. The Official Action cites Marko as disclosing this limitation, and states that it would have been obvious to combine these references. Applicant respectfully submits that amended independent Claim 1 states novel features clearly not taught or rendered obvious by the applied references.

Claim 1 is directed to an information processing apparatus connected by a network to a first information processing apparatus for presenting content via broadcast. When information processing apparatus identification information and content identification information are disseminated by broadcasting, broadcasting identification information stored by associating the broadcasting information with the information processing apparatus identification information and the content information. The information processing apparatus identification information and content identification information are then broadcast. Claim 1 is further amended to clarify the process performed by a receiver of the broadcast information, which facilitates the maintenance of user privacy for user sensitive data.

Specifically, after broadcasting the information, a receiver receives the information processing apparatus identification information and the content identification information via

broadcast. Then, a privacy-guarding means, which stores a user profile corresponding to the receiver, determines at least one of a plurality of user specific profile parameters included in the user profile that are permitted to be sent to the first information processing apparatus based on the received information processing apparatus identification information, the content identification information received by the receiver and stored user preferences.

Thus, when a user responds to a received broadcast transmission, the privacy-guarding means determines, based on the received broadcast, the user profile information that is authorized by the user be sent to the broadcasting service. Thus, a user is able to maintain control and a predetermined level of privacy regarding the personal information (e.g., age, gender, address, etc.) that is sent from their user profile in response to a received broadcast signal.²

Specifically, amended Claim 1 recites, *inter alia* an information processing apparatus, comprising:

“...a privacy-guarding means for storing a user profile corresponding to the receiver and determining at least one of a plurality of user specific profile parameters included in the user profile that are permitted to be sent to the first information processing apparatus based on the received information processing apparatus identification information, the content identification information received by the receiver and stored user preferences.”

Turning to the applied references, Sachs describes a method for electronically viewing and distributing digital contents. Specifically, Sachs is related to a virtual bookstore (40) that maintains a list of content keys associated with contents stored in a repository (50), and when a user (10) purchases a digital book a secure envelope is formed by encrypting the content key with a session key.³ The user may then access the digital content using the secure envelope and a URL corresponding to the digital content.

² Specification at page 3, lines 1-4.

³ Sachs, col. 4, lines 47-57.

However, Sachs fails to teach or suggest storing a user profile corresponding to the receiver (or user) and determining at least one of a plurality of user specific profile parameters included in the user profile that are permitted to be sent to retrieve the digital contents, as recited in amended Claim 1. Specifically, Sachs fails to teach or suggest any of the functions performed by the privacy-guarding means, whatsoever.

The secondary reference, Marko, describes a receiver configured to receive a broadcast information request message and initiate a transmission of a response based on the received broadcast message.⁴

However, Marko fails to teach or suggest “storing a user profile corresponding to the receiver” or “determining at least one of a plurality of user specific profile parameters included in the user profile that are permitted to be sent to the first information processing apparatus based on the received information processing apparatus identification information, the content identification information received by the receiver and stored user preferences”, which are functions of the privacy-guarding means, as recited in amended independent Claim 1.

Thus, neither Sachs nor Marko teach or suggest a privacy-guarding means, or the features associated therewith, as recited in amended independent Claim 1.

Accordingly, Applicant respectfully requests the rejection of Claim 1 under 35 U.S.C. § 103 be withdrawn. As Claim 3 depends from Claim 1, Applicant submits that this claim also patentably defines over the applied references.

The Official Action has rejected Claims 4-5 and 30 under 35 U.S.C. § 103(a) as anticipated by Sachs in view of Stefik. The Official Action cites Sachs as disclosing the Applicant’s invention with the exception of the validity-condition features recited in independent Claim 4. The Official Action cites Stefik as disclosing this feature, and states

⁴ Marko, Abstract.

that it would have been obvious to combine these references. Applicant respectfully submits that amended independent Claim 4 states novel features clearly not taught or rendered obvious by the applied references.

Claim 4 is amended to recite, *inter alia* an information processing apparatus, comprising:

“...a privacy-guarding means for storing a user profile corresponding to the receiver and determining at least one of a plurality of user specific profile parameters included in the user profile that are permitted to be sent to the first information processing apparatus based on the received information processing apparatus identification information, the content identification information received by the receiver and stored user preferences.”

As noted above, the primary reference, Sachs, fails to teach or suggest this claimed feature. Similarly, Stefik, the secondary reference, also fails to teach or suggest this claimed feature.

Stefik describes a system similar to Sachs, and relates to a digital library including a fee accounting mechanism for reporting fees associated with the distribution and use of digital works.⁵ Stefik specifically relates to a repository for controlling access to, and charging fees, associated with the distribution of digital works.

However, similar to Sachs, Stefik fails to teach or suggest storing a user profile corresponding to the receiver (or user) and determining at least one of a plurality of user specific profile parameters included in the user profile that are permitted to be sent to retrieve the digital contents, as recited in amended Claim 1. Specifically, Sachs fails to teach or suggest any of the functions performed by the privacy-guarding means, whatsoever.

Thus, neither Stefik fails to teach or suggest a privacy-guarding means, or the features associated therewith, as recited in amended independent Claim 1.

⁵ Stefik, Abstract.

Accordingly, Applicant respectfully requests the rejection of Claim 4 (and Claims 4 and 30, which depend therefrom) under 35 U.S.C. § 103(a) be withdrawn.

Finally, Claims 31-34 were rejected under 35 U.S.C. §103(a) as unpatentable over Sachs in view of Stefick and in further view of Umbreit.

As noted above, neither Sachs nor Stefik teach or suggest the features recited in amended independent Claims 1 and 4. While Umbreit describes obtaining and verifying personal information about a user, the reference fails to teach or suggest “storing a user profile corresponding to the receiver” or “determining at least one of a plurality of user specific profile parameters included in the user profile that are permitted to be sent to the first information processing apparatus based on the received information processing apparatus identification information, the content identification information received by the receiver and stored user preferences”, which are functions of the privacy-guarding means, as recited in amended independent Claim 1.

Thus, none of Sachs, Stefik, or Umbreit, either alone or in combination teach or suggest a privacy-guarding means, or the features associated therewith, as recited in amended independent Claim 1.

Accordingly, Applicant respectfully requests the rejection of Claims 31-34 under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 3-5 and 30-34 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early a favorable recondition of the application is therefore requested.

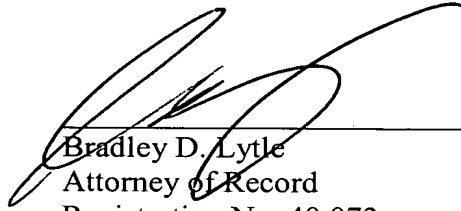
Respectfully submitted,

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